

FEB 09 2006

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facsimile transmittal

To: US PTO

Fax: 571 273 8300

From: Ted Sabety

Date: February 9, 2006

Re: U.S. Pat. App. No. 10/765,116

Pages: Cover + 14

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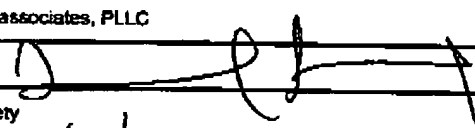
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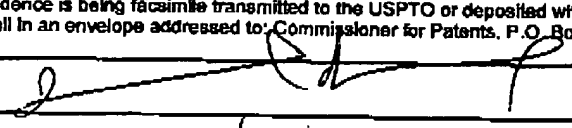
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TRANSMITTAL FORM	Application Number	10/785,116	
	Filing Date	January 28, 2004	
	First Named Inventor	Evans, Rollin M.	
	Art Unit	2884	
	Examiner Name	Gagliardi, Albert J.	
(to be used for all correspondence after initial filing)		Attorney Docket Number	ARA-1
Total Number of Pages in This Submission		14	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks This is a re-submission of a preliminary amendment previously rejected as non-compliant. The additional claims in this submission were paid for in the previous submission.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Sabety + associates, PLLC		
Signature			
Printed name	Ted Sabety		
Date	2/9/06	Reg. No.	53,540

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Ted Sabety	Date	2/9/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evans, Rollin M.	
Application No.: 10 / 765,116	
Filed: January 28, 2004	Art Unit: 2884
Title: Data Acquisition, Control, and Spectral Analysis Software for Multi-Channel Analyzers	Examiner: Gagliardi, Albert J.
Attorney Docket No.: ARA-1	

PRELIMINARY AMENDMENT UNDER 37 CFR 1.115

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please find attached hereto the following, regarding the above-referenced application:

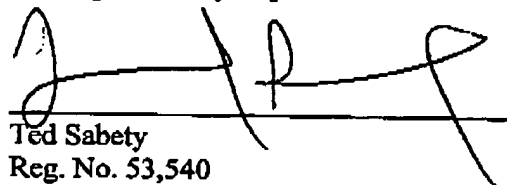
- Amendments to the Specification to fix errors and clarify the disclosure.
- Replacement Claims.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ted Sabety, Applicant's Attorney at 212 481 8686 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

2/9/06
Date

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